


APPROVED: Meeting No. 39-92

ATTEST: 

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 37-92

November 9, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on November 9, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. A new pamphlet on Refuse Collection and Recycling Services has been prepared and describes the service level for 1993. A refuse collection summary in four other languages is provided as well as photographs illustrating the appropriate method for placing refuse for collection. The pamphlets will be delivered to Rockville residences during the month of December.

2. Seiji Nishi, a Japanese Public Manager (Tax Division, Nagasaki Government), was introduced to the Mayor and Council. He is spending two weeks in Rockville during his three-month training program sponsored by the Japan Local Government Center. Mr. Nishi is becoming familiar with Rockville and its municipal government functions.

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3. A report was issued to the Mayor and Council last week as to the ultimate disposal of refuse. It appears that a decision may be imminent in Montgomery County, as County staff has recommended that the County Council make a decision by the end of December. Basically, the County must decide whether to burn or bury the trash and whether to do so within or outside the County. It is suggested that the City determine, through a bidding or proposal process, what is in the long-term best interests of the community. This process should include the private sector, and Montgomery County should be encouraged to provide the City with its proposal. There is still a lot of uncertainty surrounding this issue despite a review of the information that has become available.

Councilmember Coyle referenced the inherent conflict with the incinerator alternative and our promotion of recycling.

The City Manager's recommendation to go out to bid was strongly supported by Mayor Duncan who feels that all available options should be explored to ensure that City residents are provided with a more affordable solution than the County may offer, especially in light of the plans recently announced by the County to construct a landfill in Boyds.

Councilmember Krasnow noted that the County should be made aware of how the City is proceeding, and it was agreed that a copy of the City's RFP would be sent to the County.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Dawn Crafton, on behalf of Rockville Dance Theatre, presented a check in the amount of \$14,099.35 to Howard Silverstein of Children's Hospital Medical Center. Ms. Crafton thanked the City and others for their support of her dance program.

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2. David Thomas, 818 Brice Road, referenced the agenda item to approve an implementation schedule for the recommendations of the Stormwater Management Task Force. The efforts of the task force are laudable; however, he expressed concern that the funding mechanisms may not be in place which would present difficulty in meeting the goals in this report. In particular, he asked that the implementation schedule be revised to place discussions on tax structure concurrently with other elements of the document.

3. Robin White, 213 Lincoln Avenue, on behalf of the East Rockville Community Action Team, invited the Mayor and Council and all interested persons to the annual fundraiser spaghetti dinner to be held at the Lincoln Park Community Center on Friday, November 13, beginning at 6:00 p.m.

4. William Meyer, 804 Leverton Road, referenced item 10 on the agenda, Request of Courthouse Square Limited Partnership for an 18-month extension of payment and maturity dates for notes number one and two. He asked how the 7% interest would be compounded if the extension were approved. Additionally, he requested that the repayment be based upon units sold and that the City ensure that there are substantial safeguards for its protection.

Mayor Duncan responded that the City receives a payment upon the sale of each unit.

With respect to item number 7 on the agenda, implementation of SWM Task Force recommendations, he thanked staff for what is a fairly aggressive plan. He agreed with Mr. Thomas that the funding recommendation be advanced on the schedule as many recommendations would fail without funding. Mr. Meyer feels that the current fee would not fund new construction along with maintenance.

5. Bob Slovic, 9 Dairyfield Court, also addressed item 7 on the agenda, and indicated

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his concurrence with comments made earlier by Messrs. Thomas and Meyer.

There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Louis Cornet was appointed to a two-year term on the Recreation and Park Advisory Board.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded, with Mayor Duncan and Councilmember Coyle abstaining as they were not present at the meeting, the minutes of Meeting No. 36-92 (October 26, 1992) were approved, as written.

Re: Consent Agenda

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Award of Bid No. 41-93, Replacement of Heating Controls and Air Handler Units at Civic Center Mansion.

The award will replace two air handler units (Art Gallery and Executive Room) and heat controls (front of Mansion). There are sufficient funds budgeted for this award.

- B. Award of Bid No. 47-93, Requirements Contract for Lumber.

This bid award establishes a requirements contract for over-the-counter purchases of more than 50 different types and sizes of lumber

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to be purchased by staff on an as-needed basis.

- C. Approval of projects and funding levels which are to be submitted in a Community Development Block Grant (CDBG) Application to Montgomery County.

The application will be the basis of how the City will use \$318,000 in CDBG funding.

Re: Approval of implementation plan for Stormwater Management Task Force Recommendations.

At the Mayor and Council meeting with the Stormwater Management Task Force on September 10, the City Manager was requested to prepare an implementation schedule for the SWM Task Force recommendations.

The Mayor and Council were presented with the Stormwater Management Task Force's Report at a worksession held on September 10. The 18 recommendations contained therein were discussed, and the City Manager was requested to prepare a schedule for implementation of each of these recommendations. The City Manager pointed out that some of these recommendations are already underway. There are a number of recommendations that do not depend upon funding mechanisms and they should go forward. As an example, staff is prepared to accomplish the unification of stormwater management functions. He would like to embody in the FY94 budget some portions of the program which we are starting up now.

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The City Manager commented that he doesn't feel the recommendations are inconsistent with the remarks this evening concerning the funding mechanism. Staff not would authorize commitment to a new cost center without a clear understanding of where the money is coming from. The intent is to follow a measured approach and come back to the Mayor and Council at intervals for decisions. Uncertainty still surrounds a major implication to the City, that is, whether Montgomery County adopts a utility fee.

Councilmember Krasnow indicated her agreement with comments made earlier in the evening by Mr. Thomas, in particular with respect to recommendation number 9 which assures adequate resources to provide for inspections, routine and non-routine maintenance. Non-routine maintenance can become quite costly, and she expressed concern with the implementation date of July 1993.

Discussion followed regarding the budgetary implications of these recommendations and development of a collection system for a utility fee. It was agreed that the Mayor and Council would approve the process for implementation and staff would come back with different options for the items requiring funding.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the implementation plan for the Stormwater Management Task Force recommendations was approved.

Re: Approval of Waiver No. 2-93 of On-Site Stormwater Management for an addition to the Redgate Golf Course Clubhouse.

The Department of Recreation and Parks proposes to construct an addition to the existing

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clubhouse and related site improvements.

The runoff from this site will be discharged into an existing facility. The City Manager reported that this waiver request is similar to others which were reviewed and approved by the Stormwater Management Task Force. Staff has recommended approval.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Waiver No. 2-93 of On-Site Stormwater Management for an addition to the Redgate Golf Course Clubhouse was approved.

Re: Receipt of Report of the
Affordable Housing
Demonstration Program
Task Force.

The Task Force has recommended actions to be taken in participating in a national housing demonstration program for affordable housing.

Tim Knobloch, Chairperson of the Affordable Housing Demonstration Program Task Force, briefed the Mayor and Council regarding the recommendations of the Task Force. There are three parts to the recommendations:

The first part is a moderate income existing home purchase program intended to assist first-time homebuyers. The City will provide \$375,000 (\$75,000 per year) as seed money to stimulate the inception of the program which will be made available for individuals who have worked or resided in the City of Rockville for at least three years. A lottery system will be used to select participants.

A moderate income purchaser will be able to borrow up to 2% of the down payment and up to 50% of the closing costs not to exceed a total of \$7,500. Repayment of the loan would be

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based on the purchaser's income, with monthly repayments at 2% of the purchaser's gross monthly income.

A non-profit group will be selected to operate and administer the program in accordance with the guidelines established by the Task Force.

Part two of the program is designed to produce housing that is affordable to first-time homebuyers who do not have sufficient income to participate in the moderate-income program. The City will allocate \$145,000 to be used to reduce or eliminate development costs for construction of new homes on land donated by the City. The funds can also be used to assist in the acquisition of non-city owned sites.

To be eligible, household income of purchasers may not exceed 80% of the median income for the metropolitan Washington area, and participants would be required to attend the homeownership seminars.

Finally, an educational program has been designed to provide a first-time homebuyer with the information and tools necessary to set up a financial plan to purchase and maintain a home.

With respect to part two of the program, Councilmember Robbins inquired as to which city-owned sites have been identified for this program. Sites on Baltimore Road, Maryland and Monument, Lewis Avenue and Lincoln and Douglas have been identified for potential use.

Discussion followed regarding the loan repayment period, the concept of a perpetual fund and administration by a non-profit group.

The costs of development would depend upon the topography and infrastructure of the particular piece of property. Sewer lines, curb and gutter are some of the costs that would be involved.

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Mayor Duncan inquired as to the timetable for the request for proposals from non-profit groups and award of bid.

(At this time (8:28 p.m.) Mayor Duncan left the meeting. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Councilmember Robbins was designated as Mayor Pro Tem until Mayor Duncan's return.)

Staff advised that if the Mayor and Council approve the recommendations of the task force, the Request for Proposals will be prepared immediately. The RFP will be distributed to existing non-profits before the end of the year, and it is anticipated that selection of the non-profit group will be completed shortly after the first of the year.

Concern was expressed by Councilmember Coyle regarding the financial management aspects of administration of this program. Mr. Knobloch advised that provisions are in place which would allow the non-profits to use the services of outside professionals.

As to standard site improvements which are contemplated for city-owned sites, staff advised that each piece of property is unique and that this was intentionally left vague so as to accommodate whatever particular improvements are required at each site.

Discussion followed as to the definition of "first-time homebuyer" and follow-up with participants. Some flexibility is provided so that the City can be sensitive to individual situations.

Councilmember Marrinan was advised that the \$75,000 per year for a total of \$375,000 seed money for the moderate income existing home purchase program had been set aside for affordable housing a number of years ago in the housing development fund.

Councilmember Marrinan was also advised that there are a number of existing non-profits, such as Montgomery Housing Partnership, Inc., experienced in these matters.

As to the \$145,000 set aside to reduce or eliminate development costs, Councilmember Krasnow expressed concern that these funds would not go very far and would not be recouped for

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some time. Staff advised that the amount to be repaid by the purchaser will be negotiated on a case-by-case basis.

The importance of educating the neighborhoods in conjunction with the placement of these houses was stressed by Councilmember Krasnow.

(Mayor Duncan returned to the meeting at this time, 8:47 p.m.)

The Mayor and Council expressed appreciation to the task force members for their efforts.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the recommendations of the Affordable Housing Demonstration Program Task Force were approved.

Re: Request of Courthouse Plaza Limited Partnership for an 18-month extension of payment and maturity dates for notes number one and two with respect to the Victoria Condominium development.

If this extension is granted, the partnership proposes to pay interest on the deferred installments at the rate of 7% per annum.

The City Manager referenced the letter from Mr. Lynott setting forth the terms for a deferral. If the Mayor and Council are inclined to approve this request, it should be done in such a way as to permit the City Attorney and City Manager to obtain answers to the detailed questions which have been identified such as the frequency of interest payments and when the City actually benefits from the interest payment.

The Mayor and Council were assured by the City Attorney that there is sufficient

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collateral to protect their investment. As to the first note, there is no payment due in September because of the release fees previously paid to the City when the units were sold. Insofar as the second note on the vacant land is concerned, no payments have been received to date.

It was agreed that staff would be instructed to clarify the issues raised with respect to the interest payments and this matter would be brought back for approval.

Re: Adoption of Ordinance to revise and amend Ordinance No. 10-92, appropriating funds and levying taxes for FY1993.

Each fall, the Appropriation Ordinance is amended to reflect encumbrances of funds from the prior fiscal year. The total increase in the ordinance is \$364,188.

Ordinance No. 17-92

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 17-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to revise and amend Ordinance No. 10-92, appropriating funds and levying taxes for fiscal year 1993. The total increase in the ordinance is \$364,188.

Re: Adoption of Ordinance to grant Text Amendment Application T-123-92, Rockville Chamber of Commerce, Applicant.

This application proposes to amend the Zoning Ordinance to permit freestanding signs which contain the name, logo or

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trademark of more than one
entity, under certain
conditions.

Ordinance No. 18-92

Clarification was provided as to the conditions imposed for approval of multi-identifier freestanding signs, the role of the Sign Review Board and expenses which may be incurred by businesses in the purchase of new signs. It was mentioned that some businesses already have signs with available space to list additional businesses. An example was cited by Mayor Duncan of the Wintergreen Plaza sign which has space to add another business onto the existing sign. The standards for square footage have not changed; the amendments would simply allow the identification of more than one business name on a freestanding sign.

Mayor Duncan advised that members of the Sign Review Board want to be involved in any discussions regarding changes in the regulation of banner signs which they feel may deviate from the intent of the Sign Ordinance.

Discussion followed regarding the efforts underway to redraft a text amendment regarding banner signs and the use of costume figures. This information will hopefully be transmitted to the Mayor and Council in December.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 18-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Text Amendment Application T-123-92, Rockville Chamber of Commerce, Applicant. This Ordinance permits, subject to certain designs standards, freestanding identification signs which contain the name, logo or trademark of more than one entity in the C-1, C-2, RPC, I-1, I-2, and I-4 Zones.

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Re: Adoption of Ordinance to grant Text Amendment Application T-126-92, Rockville Planning Commission, Applicant.

This application proposes to amend the Zoning Ordinance so as to delete the requirement that a dwelling must be at least three years old before an "accessory apartment" special exception application may be filed.

Ordinance No. 19-92

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 19-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Text Amendment Application T-126-92, Rockville Planning Commission, Applicant. This Ordinance amends the Zoning Ordinance so as to delete the requirement that a dwelling must be at least three years old before an "accessory apartment" special exception application may be filed.

Re: Discussion and Instructions to Staff - Application to Close and Abandon Public Way SCA-67-92, George Malusky II, Applicant.

This application requests abandonment of a portion of an alleyway located between Woodland Road and Coleman Park Lane.

The City Manager reviewed the three options for resolving the problems cited at the

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public hearing in this matter. Staff is recommending that the alley remain open with careful monitoring of the complaints, in particular the home occupation.

Councilmember Krasnow reported that she had visited the site and observed several trucks, a trailer and other materials indicative of a business operation. In view of the costs associated with closing the alley and making the appropriate site improvements, she suggested that the abandonment be tabled. With staff addressing the problem of the home occupation, the concerns of the residents may be resolved. She further indicated that some changes have occurred since the public hearing, particularly the extension of pavement on the 25 foot area of land on the west side of the alley and construction of a large shed to store equipment.

Councilmember Coyle requested more information from staff, noting that one of the individuals testifying at the public hearing seemed more concerned with the security issue rather than just traffic.

The Mayor and Council agreed to defer this matter until the meeting of December 14. At that time, action can be taken to approve or deny the abandonment or adopt a resolution to extend the time for a decision. In the interim, enforcement efforts will be aggressively pursued.

Re: FYI/Correspondence

Town Center Liquor Bill

Mayor Duncan advised that he had just testified before the Montgomery County Delegation on this bill. Helen Heneghan from the Chamber of Commerce was also scheduled to testify. Some concern was expressed by the owners of Fatty's restaurant and the County Restaurant, Hotel and Licensed Beverage Association.

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Household Hazardous Waste Collection

This information is very useful, and Councilmember Krasnow asked that it be publicized to make residents more familiar with this service.

Re: New Business

Councilmember Krasnow requested information on the timetable for completion of the repaving of Rockville Pike.

A recent memorandum on volunteers was referenced by Councilmember Coyle. As long as there are no important services which are not being delivered, he agreed with the conclusion of the memo that a part-time volunteer coordinator is not needed at this time.

With respect to the Watts Branch Circle, Councilmember Coyle commented on its lack of effectiveness in deterring speeding. Suggestions have been made for the installation of a stop sign at one of several intersections between Fallsmead Road and the circle, preferably at Brookcrest.

Staff was commended by Councilmember Coyle on the new **Economic Data Report** which is distributed to the Chamber of Commerce, I-270 partnership and new businesses in the City.

Councilmember Coyle commented that the opposition to the placement of a new house on city-owned land in Lincoln Park is disconcerting and requested a meeting with the community's leadership to discuss this in more detail. He felt that this opposition is inconsistent with the community enhancement program underway in Lincoln Park. The City Manager advised that staff is working with the leadership in the community to see if concerns can be addressed. Other sites are being explored for the placement of the house.

The issue of term limits was raised by Councilmember Robbins. This subject received a lot of prominence in elections across the country last week and a question on term limits will appear

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on the City's ballot in 1993. The Board of Supervisors of Elections and staff are analyzing various options. By the first of the year, this review should be completed. A public hearing will be held on several proposals before selection of the final language to be placed on the ballot.

In June, the Boys and Girls Club was requested to come back to the Mayor and Council by the end of September with a proposed site to hold their carnival next year. Mayor Duncan indicated that, to his knowledge, this information has not yet been received. The City Manager reported that he has the information and will be transmitting it to the Mayor and Council.

Mayor Duncan acknowledged David Lim, reporter for the Rockville Gazette who was attending his last Mayor and Council meeting. Mr. Lim has accepted a position in Carlisle, Pennsylvania, and he was thanked for his efforts on behalf of the city and its residents.

Re: Next Meeting

The Mayor and Council will hold three public hearings on Monday, November 16: Map Amendment Application M-59-92, requesting a change in the zoning of the unimproved property located at Rockville Pike and Richard Montgomery Drive (carnival grounds); Text Amendment Application T-131-92, to permit multi-family dwellings in the Town Center Office-One (TCO-1) Zone; and legislation to enact a new Forest Conservation and Tree Preservation Ordinance in the City of Rockville.

Re: Adjournment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the meeting was adjourned at 9:25 p.m., to convene again in Public Hearing on Monday, November 16, 1992, at 7:30 p.m., or at the call of the Mayor.